



ADMINISTRATIVE POLICIES AND PROCEDURES

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Subject: Violence in the Workplace Policy
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Prepared By: Human Resources Department
Approved By: City Manager
Legal Review Date: August 14, 2013
Legal Review: Elizabeth M. Ruhmann

DESCRIPTION:

Violence in the Workplace Policy

I. Policy:

The City of El Paso is committed to maintaining a workplace that is free from hostility, violence or threats of violence. The City has a zero-tolerance policy for workplace violence and will not tolerate violent and/or threatening behavior, as defined herein.

This policy applies to all employees to include civil service, non-civil service, and uniformed personnel while they are in the workplace worksite, as defined herein.

Employees are prohibited from engaging in violent and/or threatening behavior toward any other employee or third party.

All violent and/or threatening behavior will be taken seriously.

The possession of a weapon on a workplace worksite, including concealed handguns, except as allowed by State or Federal law, is strictly prohibited. Further, the use of any weapon, defined herein, against another person will be considered to be a violation of this policy.

In addition, the City will not tolerate retaliation against an employee who reports violent and/or threatening behavior, the threat of such behavior, or who reports the possession of a weapon by an employee.

An employee who is involved in a confrontation is expected to walk away before the situation results in violent and/or threatening behavior.

Violation of this policy will result in disciplinary action up to and including termination.

II. Definitions:

- A. **Bullying** – Abusive treatment, including the use of force or coercion to affect others, particularly when habitual and involving an imbalance of power. It may involve

verbal harassment or physical assault and may be directed persistently towards particular victims, perhaps on grounds of race, religion, sex, or ability. The "imbalance of power" may be social power and/or physical power.

The victim of bullying is sometimes referred to as a target. Bullying consists of three basic types of abuse – emotional, verbal, and physical. It typically involves subtle methods of coercion such as intimidation.

- B. **Hostility** – Hatred, unreasonable anger or antagonism. Acting in an unreasonably aggressive manner in any way towards another.
- C. **Restraining Order** - A temporary order of a court to preserve current conditions as they are until a hearing is held at which both parties are present. The employee should be encouraged to include the work location, as well as place of residence in the order or injunction.
- D. **Retaliation** - Includes any adverse employment action taken against an employee for filing a complaint under a variety of laws. Employees supporting another employee's complaint or testifying as a witness are afforded the same protection from adverse employment action as an employee bringing forth a complaint.
- E. **Safety Coordinator** - A representative assigned by each Department Director to oversee and coordinate safety measures within the department.
- F. **Security Contact** - A Security Guard whether employed or by contract, alarm security monitoring system personnel, Safety Officer, El Paso Police Officer, Airport Police Officer, Code Compliance Peace Officer, and/or Park Police Officer.
- G. **Supervisor**- Includes but is not limited to an employee who oversees the-work direction, work schedule, discipline, training, and evaluation of another employee. Examples include executives, managers, crew leaders, and project leaders.
- H. **Violent and/or Threatening Behavior** - Verbal or physical conduct in the workplace worksite that may be reasonably construed to be hostile in nature, including, but not limited to:
 - Violent physical actions
 - Direct or implied threats to do harm to person or to property, including intimidating use of one's body or physical objects
 - Verbally abusive or intimidating language or gestures
 - Threatening, abusive, or harassing communication (for example, phone calls, letters, memoranda, faxes, e-mail, or voice mail messages)
 - Unauthorized possession of a weapon at the worksite
 - Destructive or sabotaging actions against City or

personal property

- Engaging in a pattern of unwanted *or* intrusive behavior against another (for example, stalking, spying, etc.)
- Violation of a restraining order
- Bullying

I. **Weapon** - Any item that is used to threaten or commit violence, including but not limited to those terms listed in §46.01 of the Texas Penal Code (2011), or as amended. This definition is intended to include any object that is used in a threatening or menacing manner.

J. **Workplace Worksite** - Buildings owned or controlled by the City of El Paso; City vehicles and private vehicles while used on City business; other assigned work locations, and off-site training locations.

III. Procedure

A. Policy Guidelines

1. An employee or individual who has actual knowledge of, witnesses, or reasonably perceives any violent, threatening or hostile behavior, by anyone at a workplace worksite, shall report such behavior as soon as practicable, to any of the following: Security Contact, Departmental Human Resources Manager, Supervisor, or the Human Resources Department. An employee shall make such report(s) regardless of who commits the act or engages in the conduct or behavior. If there is uncertainty as to whether an act constitutes violent and/or threatening behavior, the concerned individual(s) shall discuss the matter with their immediate supervisor, with the Departmental Human Resources Manager or with the City's Human Resources Department.
2. The Human Resources Director will conduct a prompt investigation in response to an identified concern.
3. Employees will cooperate fully in any investigation efforts by the Departmental Human Resources Manager and the City's Human Resource Director.

B. Supervisors will immediately report to the Departmental Human Resources Manager or City's Human Resources Director, any violent and/or threatening behavior.

C. **Disciplinary Action:** Department Directors will take appropriate disciplinary action in response to employee involvement in violent and/or threatening behavior. Appropriate action may include discipline up to and including termination:

- When an employee engages in violent and/or threatening behavior on duty;
- When an employee fails to report actual or potential violent and/or threatening behavior;
- When an employee engages in violent and/or threatening behavior off duty; or

- When an employee is in possession of an unauthorized weapon or concealed handgun in the workplace worksite in violation of State or Federal law.

All disciplinary actions will be coordinated with the Departmental Human Resources Manager or the Human Resources Director.

APPROVED BY:

Jayne A. Miller
Joyce Wilson, City Manager

8/15/13
Date